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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/679,017	10/03/2003	Hans Gustafsson		1520

7590 06/12/2007

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EXAMINER	
PILKINGTON, JAMES	

ART UNIT	PAPER NUMBER
3682	

MAIL DATE	DELIVERY MODE
06/12/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/679,017	GUSTAFSSON, HANS	
	Examiner	Art Unit	
	James Pilkington	3682	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *22 May 2007*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,3-13 and 15-17* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,3-13 and 15-17* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Continued Prosecution Application

The request filed on 5/22/07 for a Continued Examination (RCE) is accepted and a RCE has been established. An action on the RCE follows.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1, 3-6, 13 and 15 rejected under 35 U.S.C. 103(a) as being unpatentable over Vogel et al, USP 3,757,597 in view of Mckeown, USP 6,647,820.

Re clms 1,13 and 15, Vogel discloses a controller for controlling a maneuverable control object comprising:

- A control lever (2)
- A console (5)
- Two clamps (7 and 8) corresponding to two intersecting pivot axes
- Two swivel axes (coaxial with 3 and 4)
- Slots (see Figure 1) provided in the clamps (7 and 8)
- Detention devices (one such device shown on the left hand side of Figure 1, see C3/L50-60)

Vogel does not disclose the detention devices being individually activated.

Mckeown teaches individually activated detention devices (see Abstract and C5-11) for the purpose of allowing for adjustment of the device (C11/L2-6).

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify the teachings of Vogel and provided individually activated detention devices, as taught by Mckeown for the purpose of allowing for adjustment of the device.

Re clm 3, the detention device is designed to lock the control lever (2) in at least one of a plurality of end positions in one of said slots in one of the clamps (7 and 8) in any number of predefined positions, the control lever only being maneuverable in the slot of the locked clamp.

Re clm 4, the detention device is designed to lock one of the said clamps in any one of a number of predefined positions, the control lever only being maneuverable in the slot of the locked clamp.

Re clm 5, the detention device is designed to lock the control lever in an optional position between a pair of end positions in one of said slots in one of the clamps, the control lever only being maneuverable in the slot of the locked clamp.

Re clm 6, the detention devices are designed to lock the control lever in an optional position between a pair of end positions in both of the said slots, the control lever being locked in this position.

2. Claims 7-11, 16 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vogel '597 in view of Mckeown '820 and further in view of Hori, USP 6,328,127.

Re clm 7 and 16, Vogel in view of Mckeown discloses all of the claimed subject matter as described above.

Vogel in view of Mckeown does not disclose that each detention device comprises a detention arm, which at one end is swivel-mounted in the console and extends transversely to the respective clamp and is provided with at least one contact surface which, in the detention position, engages with a contact surface of the respective clamp.

Hori teaches detention devices that comprise a detention arm (90, see Figure 14), which at one end is swivel-mounted in the console (base unit) and extends transversely to the respective clamp (6b) and is provided with at least one contact surface which, in the detention position, engages with a contact surface of the respective clamp for the purpose of maintaining the lever in a constant operating position (C4/L1-3).

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify the teachings of Vogel in view of Mckeown and make detention devices so that they comprise a detention arm, which at one end is swivel-mounted in the console and extends transversely to the respective clamp and is provided with at least one contact surface which, in the detention position, engages with a contact

surface of the respective clamp, as taught by Hori, for the purpose of maintaining the lever in a constant operating position.

Re clm 8-10, each detention arm is provided with and activate device (what drives cam 92), the activation device can be an electromagnet (Vogel, C3/L45-60) {clm 8}, a piston-cylinder unit (Hori discloses the use of piston-cylinder units to drive cams, C4) {clm 9} or a controllable cam (Hori, 92) {10}.

Re clm 11, the detention devices are only activatable when the lever is placed in certain predefined positions (all possible positions are predefined as the device has a limited range of movement).

Re clm 17, the other end of the detention arm (90) is provided with means for moving the detention arm (cam 92).

3. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Vogel '597 in view of Mckeown '820 and Hori '127 and further in view of Takeda, JP 2001292085.

Vogel in view of Mckeown and Hori discloses all of the claimed subject matter as described above including the use of transmitters to detect the lever position (27 and 26 of Vogel).

Vogel in view of Mckeown and Hori does not disclose that the transmitters are contactless.

Takeda discloses a contactless transmitter for the purpose of providing transmitter that can transmit a signal and power with a simple configuration and high reliability.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify the teachings of Vogel in view of Mckeown and Hori and provide a contactless transmitter, as taught by Takeda, for the purpose of providing transmitter that can transmit a signal and power with a simple configuration and high reliability.

Response to Arguments

4. Applicant's arguments filed 11/07/06 have been fully considered but they are not persuasive.

5. In response to applicant's argument that Mckeown is nonanalogous art, it has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In this case, Mckeown discloses a control device where a tubular member (12) which is adapted for having a control implement disposed on it (joystick or other user interface) so that a user can move the tubular member to control the device.

6. Applicant argues that because the adjustment and locking of the maneuvering device of Mckeown occurs prior to the use of the device it cannot be used as a reference.

In response the examiner notes that a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim.

7. The applicant argues that the device of Mckeown does not affect the signal from the maneuvering device during use.

In response to applicant's argument it is noted that the features upon which applicant relies are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Conclusion

This is a RCE of applicant's earlier Application No. 10/679017. All claims are drawn to the same invention claimed in the earlier application and could have been finally rejected on the grounds and art of record in the next Office action if they had been entered in the earlier application. Accordingly, **THIS ACTION IS MADE FINAL** even though it is a first action in this case. See MPEP § 706.07(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no, however, event will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James Pilkington whose telephone number is (571) 272-5052. The examiner can normally be reached on Monday-Friday 8:00AM-4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Ridley can be reached on (571) 272-6917. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JP
6/7/07

RICHARD RIDLEY
SUPERVISORY PATENT EXAMINER